



U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

April 30, 2019

Alex Abdo
Knight First Amendment Institute at
Columbia University
alex.abdo@knightcolumbia.org

**Re: FOIA Tracking No. FY17-211;
Knight First Amend. Inst., et al. v. DOD, et al., D.D.C. No. 1:18-cv-1129**

Dear Mr. Abdo:

This letter responds to your May 9, 2017 Freedom of Information Act ("FOIA") request to the Office of Legal Counsel ("OLC"), on behalf of the Knight First Amendment Institute at Columbia University, the American Civil Liberties Union, and the American Civil Liberties Union Foundation. As you know, your request seeks three categories of "records pertaining to agency prepublication review of writings by [listed] former government officials" and is a subject of the above-captioned litigation, in which it has been narrowed by negotiations through counsel.

We have completed our search of OLC files and have identified 397 pages of responsive records. We have enclosed 309 pages with some redactions. Our redactions are based on FOIA Exemption Four, 5 U.S.C. § 552(b)(4), FOIA Exemption Five, 5 U.S.C. § 552(b)(5), or FOIA Exemption Six, 5 U.S.C. § 552(b)(6). The material redacted pursuant to Exemption Four is commercial or financial information obtained from a person and is privileged or confidential. The material redacted pursuant to Exemption Five is protected by the attorney-client and/or deliberative process privileges. Disclosure of the material redacted pursuant to Exemption Six would constitute a clearly unwarranted invasion of personal privacy. We have withheld the remaining 88 pages in full pursuant to Exemption Five based on the same privileges and in part pursuant to Exemption Four. We have determined that none of the withheld material is appropriate for discretionary release.

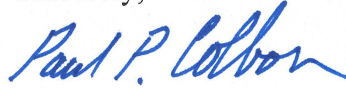
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Your counsel may contact Tamra Moore of the Civil Division, Federal Programs Branch, at 202-305-8628 or at Tamra.Moore@usdoj.gov, to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services

they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Although your request is the subject of ongoing litigation, and administrative appeals are not ordinarily acted upon in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. You may administratively appeal by writing to the Director, Office of Information Policy ("OIP"), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul P. Colborn
Special Counsel

Enclosures

cc: Tamra Moore, Trial Attorney
Civil Division, Federal Programs Branch